

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2843 OF 2004

Jameel Ahmed Mohammed : Petitioner

V/s.

Union of India & Ors. : Respondents

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Mr.G.K.Masand with Mrs.Sheetal D. Gulhane for the
petitioner.

Ms Suchitra Kamble for Mr.Suresh Kumar for the
respondents.

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**CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.**

December 1, 2004.

P.C.:

1. Rule, returnable forthwith.

Ms Kamble waives service for the respondents.

Heard the learned counsel for the petitioner and
the learned counsel for the respondents.

2. By this Petition, the petitioner is challenging the
order dated 20.1.2004 passed by the Central Administrative

Tribunal, Mumbai Bench, Mumbai.

3. One of the contentions of the learned counsel for the petitioner is that the petitioner had already filed an application, being Misc. Petition No.571 of 2002 in Original Application No.640 of 2002 seeking condonation of delay. However, it appears that the said application for condonation of delay, being Misc. Petition No.571 of 2002, has not been decided by the Central Administrative Tribunal. On the contrary, the Central Administrative Tribunal seems to have disposed of the main matter itself on merits and has dealt with the issue of limitation without first deciding the application for condonation of delay. We make it clear that we have not gone into the merits of the main matter. We further make it clear that the Central Administrative Tribunal ought not to have gone into the merits of the matter without first deciding the issue with regard to limitation i.e. to say Misc. Petition No.571 of 2002. On this limited ground, we quash and set aside the impugned order dated 20.1.2004 passed by the Central Administrative Tribunal, Mumbai Bench, Mumbai, and remand the matter back to the Central Administrative Tribunal, Mumbai Bench, Mumbai, to decide the aforesaid Misc. Petition No.571 of 2002 seeking condonation of delay, as expeditiously as possible. In the event the

said Misc. Petition No.571 of 2002 seeking condonation of delay is allowed, the Central Administrative Tribunal to hear the main Original Application No.640 of 2002 afresh strictly on its own merits, in accordance with law.

4. The rule is made absolute in the above terms.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)